

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

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| CHARLES FRALEY, Plaintiff, vs. GENERAL MOTORS, LLC, Defendant. | 4:16-CV-14465-TGB ORDER TO MEET AND CONFER |
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I. Introduction

On May 2, 2019, the Court heard oral argument regarding Plaintiff's Motion to File an Amended and Supplemental Complaint (ECF No. 29). At the hearing, counsel for Plaintiff indicated that he had in his possession numerous documents that should have been included in the Administrative Record (ECF No. 6) provided to the Court by the plan administrator, but which were not included. In response, counsel for Defendant said that she would be willing to review the documents to which Plaintiff referred in order to determine whether they should, in fact, have been part of the record.

Accordingly, counsel for both parties are **ORDERED** to meet and confer within 45 days of this order to review the documents that Plaintiff asserts should be included as part of the administrative record.

If, after reviewing Plaintiff's materials, the parties come to an agreement, they shall file with the Court a stipulated order indicating which records should be added to the administrative record and shall file such records as exhibits in this case. Such stipulation shall also request that the administrative record be remanded to the plan administrator for inclusion of these documents as part of the complete administrative record the Court will review. If no agreement can be reached, the parties shall so inform the Court by filing a brief setting out their respective positions on the issue no later than 45 days from the date of this Order. The brief shall not exceed five (5) pages.

No discovery beyond the sharing of the documents that Plaintiff alleges to have in his possession may be taken at this time.

Counsel for defendant indicated at the hearing that a new attorney is going to be retained to represent defendant in the near future. To effectuate a successful transition, current counsel for defendant shall inform new counsel to schedule a telephone conference with the Court and Plaintiff as soon as practicable after substituting in to take over the case.

As stated on the record, the Court will take Plaintiff's Motion to File Amended and Supplemental Complaint (ECF No. 29) under advisement and will issue a written order resolving this motion.

II. Conclusion

Parties are **ORDERED** to meet and confer within 45 days to review Plaintiff's documents. If agreement can be reached, parties are ordered to file a stipulation with the Court, indicating which documents should have been included in the administrative record for this case. If no agreement is reached, the parties shall so inform the Court as directed herein.

Counsel for Defendant is **DIRECTED** to inform incoming counsel of his or her duties under this order and the statements made by the Court during the hearing. Incoming counsel shall schedule a telephonic conference with the Court as soon as possible after taking over the case.

DATED this May 10, 2019.

BY THE COURT:

/s/Terrence G. Berg

TERRENCE G. BERG

United States District Judge

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was mailed to the parties of record on this date, May 10, 2019, by electronic and/or ordinary mail.

S/A. Chubb

Case Manager and Deputy Clerk